

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                     |   |                     |
|-------------------------------------|---|---------------------|
| <b>TERRY FOSTER,</b>                | : | <b>CIVIL ACTION</b> |
| <i>Plaintiff,</i>                   | : |                     |
|                                     | : |                     |
| <b>v.</b>                           | : | <b>No. 18-114</b>   |
|                                     | : |                     |
| <b>PHILADELPHIA CORRECTIONS</b>     | : |                     |
| <b>OFFICER SGT. CLIFFORD JEUDY,</b> | : |                     |
| <b>et. al.,</b>                     | : |                     |
| <i>Defendants.</i>                  | : |                     |

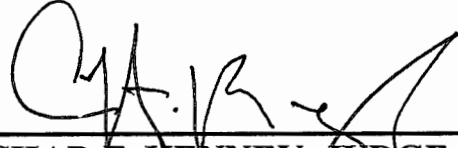
**ORDER**

**AND NOW**, this 29<sup>th</sup> day of **January 2019**, upon consideration of Defendants' Partial Motion to Dismiss for Failure to State a Claim (ECF No. 20) and Plaintiff's Response thereto (ECF No. 21), and in accordance with the Court's accompanying Memorandum, it is hereby **ORDERED** as follows:

1. Defendants' Partial Motion to Dismiss Plaintiff's Second Amended Complaint (ECF No. 20) is **GRANTED IN PART** and **DENIED IN PART**.
2. Defendants' Motion to Dismiss (ECF No. 20) as to Defendant Carney is **GRANTED**. Accordingly, Defendant Carney is **DISMISSED** from this matter.
3. Defendants' Motion to Dismiss (ECF No. 20) as to Defendant City of Philadelphia is **DENIED**.

4. The remaining Defendants must file an Answer to Plaintiff's Second Amended Complaint on or before **February 12, 2019**.

**BY THE COURT:**

  
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**CHAD F. KENNEY, JUDGE**